

# Child Care Licensing (CCL)

## Responsibilities

- ◆ Regulate all child-care operations and child-placing agencies to protect the health, safety, and well-being of children in care largely by reducing the risk of injury, abuse, neglect, and communicable disease.
- ◆ Establish and monitor operations and agencies for compliance with minimum standards of care.
- ◆ Investigate complaints in operations and agencies.
- ◆ Inform parents and the public about child care, and the histories of specific homes, child care operations, and child-placing operations in complying with minimum standards of care.
- ◆ Provide technical assistance to providers on meeting minimum standards of care.

## Continued Response to CCL Reform

In 2007, Child Care Licensing (CCL) continued to transform its operations and policies in response to Senate Bill 6, the sweeping protective services 2005 reform bill. These initiatives included a number of measures designed to better ensure child safety and improve regulations.

## Ensuring Child Safety

### Child Care/Child-Placing Administrator License

Senate Bill 6 added the requirement for each child-placing agency to have a licensed child-placing administrator. In 2006, CCL created a test instrument and began testing child-placing agency administrators. In 2007, the department continued to test and license hundreds of child-placing agency administrators.

### Reports of Abuse and Serious Incidents

Senate Bill 6 added a requirement to Chapter 42 of the Texas Human Resources Code that requires residential child care operations and child-placing agencies to report certain serious incidents involving children to DFPS. Serious incidents include:

- ◆ A critical injury to a child.
- ◆ An illness that requires hospitalization of a child.
- ◆ Arrest, abuse, neglect, exploitation, runaway, suicide attempt, or death of a child.

As a result, DFPS adopted corresponding minimum standard rules in 2006. Between January 1 and June 30, 2007, licensed general residential operations, residential treatment centers, and child-

placing agencies were given technical assistance on implementing and applying these and other new licensing standards.

## Background Checks

On October 1, 2006, the Adam Walsh Child Protection and Safety Act of 2006 took effect. This federal law requires fingerprint-based criminal history checks for new foster and adoptive parents and out-of-state registry checks for foster and adoptive parent applicants or other adults in the home who have lived out of state in the last five years.

## Regulatory Action

### Random Inspections

In 2005, the Texas Legislature amended Section 42.044 of the Texas Human Resources Code to require Child Care Licensing to inspect a random sample of agency foster homes. In FY 2007, DFPS staff conducted 2,733 random inspections of foster homes.

### Revised Residential Child Care Standards

The new minimum standards for general residential child care operations and child-placing agencies went into effect on January 1, 2007. These standards represent the first major overhaul of minimum standards for residential child care in several years. The new standards will strengthen the level of protection for all children in out-of-home care while also improving the performance of the Residential Child Care Licensing (RCCL) program. These new standards are the result of a lengthy process which included research, stakeholder workgroups, public hearings, written public comment, and a fiscal impact survey. Following the adoption of these standards, RCCL collaborated with permit holders from across the state to conduct training sessions on the new standards for both the permit holders and RCCL staff in every DFPS region. RCCL also offered a six-month period of technical assistance from January 1 to July 1, 2007. During this time, RCCL staff assisted permit holders in learning and implementing the new requirements rather than citing violations for minimum standards.



## Houston Licensing Staff Host Counterparts from Republic of Georgia



According to **EveryChild**, a British-based international aid organization, more than 5,000 children in the Republic of Georgia live in residential care institutions, and a disproportionate number of them have disabilities. Where possible, the Georgian government is working to return these children to their biological families or place them with foster families.

In May 2007, Child Care Licensing staff in Houston hosted six visitors from the Republic of Georgia national government. During their visit, they discussed regulation issues involving child welfare services. Topics included procedures, application processes, criteria, monitoring and evaluation tools for licensing child welfare services, and the structure and functions of inspection and accreditation bodies.

The delegation was comprised of Tamar Chanturia and Nino Tsereteli, Ministry of Education and Science; Drs. Nino Chanturidze and Nino Japaridze, Ministry of Labor, Health, and Social Affairs; Tamar Kakutia, Ministry of Education and Science; and Nino Nutsbudze, "Child and Environment" NGO.

"It was a very interesting and unique experience," says Sue Lehmeier, Houston CCL district director. "The only term that did not translate was 'shaken baby syndrome.' They were especially interested in our corrective action policy. They also wanted to know if we helped new applicants with start up costs and background checks on the staff in the child care facilities."

Christina Harvey, the Licensing Resource Consultant for CCL, says visiting with the delegation was a great forum for sharing knowledge. "Finding out about their experiences and expertise in areas of child care was interesting," she says. "The communication between them during the meeting and the questions they asked about our program showed a real commitment to learning about other child care systems."

The visit was arranged by the Institute of International Education and U.S. State Department's International Visitor Leadership Program, which brings participants to the United States from all over the world each year to meet and confer with their professional counterparts and to experience the U.S. firsthand.

### Regional Vignettes

#### Northwest District (Regions 1, 2, 9, and 10)

CCL staff provided 89 technical assistance trainings to 2,996 child care providers. Topics included supervision, field trips and transportation, recognizing abuse and neglect, what to expect on inspections and investigations, director responsibilities, child/staff ratio, maintaining records, immunization, and caregiver responsibilities. Staff also worked with various organizations and coordinated trainings with child care associations. Over 800 providers participated in 17 training sessions covering topics such as Sudden Infant Death Syndrome, Shaken Baby Syndrome, discipline, medication, new legislation, supervision, and playground safety.

#### East Central District (Regions 3, 4, 5, and 7)

During fiscal year 2007, the Arlington District Child Care Licensing Advisory Committee was developed. This committee consists of 25 members of the child care community including owners of for-profit licensed child-care centers, managers of non-profit licensed child-care centers, licensed child-care home providers, registered child-care home providers, and representatives from the local workforce board and local health departments. During this first year, the committee identified a need to have more quality training available to all child-care providers and is planning a training conference.

#### Houston District (Region 6)

CCL staff conducted a conference in May 2007 for about 200 Houston area child care providers. These were "Plan 1" providers, or providers who are inspected on a very frequent basis. Training sessions were conducted on minimum standards, playground safety, child development, record keeping, and other topics.

#### South District (Regions 8 and 11)

In May 2007, CCL staff joined Head Start, the San Antonio Fire Department, and Dr. Juan Parra of University of Texas Health Science Center to warn residents about summer dangers facing children. The "See and Save" campaign raises public awareness to never leave children unsupervised near water or in cars, not even for a few minutes.

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## Other Accomplishments

Licensing regulation includes a collection of standards that work together as a total package to protect the health and safety of children in out-of-home care. The standards lay out the expectations or baseline for child care, and no facility should operate below that baseline. However, not all standard violations present the same risk to children. For example, failure to supervise a child presents a much greater risk than failure to document a recent home visit or the name of a child's school in the child's record. In an effort to recognize these differences, CCL initiated the first part of a weighted enforcement system in January 2007 that assigns a weight to individual minimum standards, based on the risk to children. CCL will continue to build the system based on the preliminary weights assigned in 2007 through a validation process and the development of an internal system of enforcement decisions based in part on the validated weights.

## CCL Services

Child Care Licensing is responsible for protecting the health, safety, and well-being of Texas children who attend or reside in regulated child care operations. These operations include child care centers, licensed and registered child care homes, residential child care operations, child-placing agencies, foster homes, adoptive homes, and maternity homes. CCL also licenses child care administrators and child-placing agency administrators.

## Regulating Child Care Operations

Child Care Licensing regulates three categories of day care operations. They are: Listed Family Homes, Registered Operations (Child Care Homes), and Licensed Operations (Day care and 24-hour care).

## Listed Family Homes

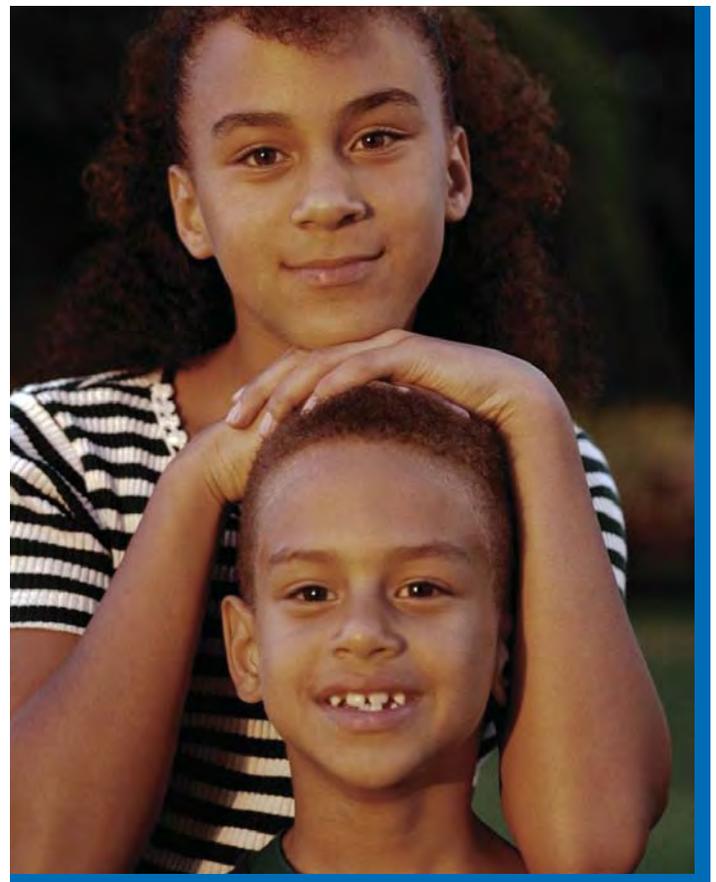
Listed Family Homes provide child care on a regular basis (at least 4 hours per day, 3 or more days a week, for more than 9 consecutive weeks) in the providers' own homes for 1 to 3 unrelated children. Providers are required to go through an application process that includes a criminal background check and issuance of a certificate. Listed Family Home providers must be at least age 18. However, there are no minimum standards, orientation, or training requirements. Listed Family Homes are not inspected unless DFPS receives a report alleging child abuse or neglect. CCL also investigates any home that is reportedly not properly listed or registered.

## Registered Child Care Homes

Registered Child Care Homes provide care in the providers' own homes for as many as 6 children younger than age 14. They may also take in as many as 6 additional school-age children. The number of children allowed in a home is determined by the ages of the children. No more than 12 children can be in care at any time, including the provider's children. Providers are required to go through an application process that includes completion of an orientation class and criminal background checks. DFPS issues a registration certificate after licensing inspectors complete an on-site inspection to ensure providers are meeting the minimum standards. Registered homes are inspected every one to three years. CCL will also inspect them if we receive a report related to child abuse or neglect or standards violations.

## Licensed Operations

All licensed operations must follow published standards and are routinely monitored and inspected. To become a licensed operation, a prospective provider must complete an application process that includes completion of an orientation class and criminal



background checks. DFPS issues a license after our staff completes on-site inspections to ensure providers are meeting minimum standards. Licensed operations are inspected every 5 to 12 months or more often if there are reports of alleged child abuse or neglect or violations of state standards. Licensed operations include Day Care and 24-Hour Care.

◆ **Day Care**

- ❖ Child Care Centers serve 13 or more children younger than age 14 for less than 24 hours.
- ❖ Licensed Child Care Homes provide care for less than 24 hours per day for 7 to 12 children younger than age 14.

◆ **24-Hour Care**

- ❖ Foster Family Homes provide 24-hour care for 6 or fewer children younger than age 18.

- ❖ Foster Group Homes provide 24-hour care for 7 to 12 children younger than age 18.
- ❖ Child Care Institutions provide 24-hour care for 13 or more children younger than age 18 and for the mentally fragile. These institutions include general residential operations that may provide various treatment services, emergency care services, or therapeutic camps.
- ❖ Maternity homes provide care for four or more minor and/or adult women and her children during pregnancy and/or during the six-week postpartum period, within a period of 12 months.

**Child-Placing Agencies**

A child-placing agency (CPA) is a person, agency, or organization, other than the natural parents or guardian of a child, which places or plans for the placement of a child in a child-care facility,

**State's Top 10 Standards Deficiencies for Day Care Operations (FY07)**

Standard Rule	Description	Violations Cited	category
746.3701	Safety: Areas free from hazards.	2220	Safety
746.1203(4)	Responsibilities of caregivers: Supervision of children.	1800	Caregiver
746.3407	Maintenance of building, grounds and equipment.	1774	Safety
746.1201(1)	Responsibilities of employees and caregivers: Demonstrate competency, good judgment, self-control.	1526	Caregiver
746.5101(a)	Annual fire inspection: Before provisional issued and every 12 months.	1291	Safety
746.1601	Child/caregiver ratio: 13 or more children.	1139	Caregiver
747.3501	Safety: Areas free from hazards.	1111	Safety
746.1315(a)	One caregiver per group of children must have current training in first aid with rescue breathing and choking. Pediatric first aid is preferred.	1086	Caregiver
746.3701(1)	Safety: Electrical outlets covered.	991	Safety
746.401(9)	Posting requirements: list entitled.	964	Record keeping

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agency foster home, agency foster group home, or adoptive home. CPAs recruit and verify foster family homes, foster group homes, and/or adoptive homes. A child-placing agency is also responsible for managing its verified homes and ensuring that they comply with all applicable laws and minimum standards.

Child-placing agencies licensed by DFPS range in both size and the scope of their operations. Some are very small agencies that offer only private adoption services. Others are multi-office organizations that offer adoption services, manage networks of foster parents, and provide treatment services to children placed in foster care. A large collection of licensed child-placing agencies serve as the state's foster care system, including privately licensed CPAs and Child Protective Services (CPS) which is itself licensed as a CPA. These CPAs screen, approve, and manage foster homes as well as match children in the state's custody with foster homes and manage their care in those homes. Private CPAs play a critical role in the care of CPS foster children.

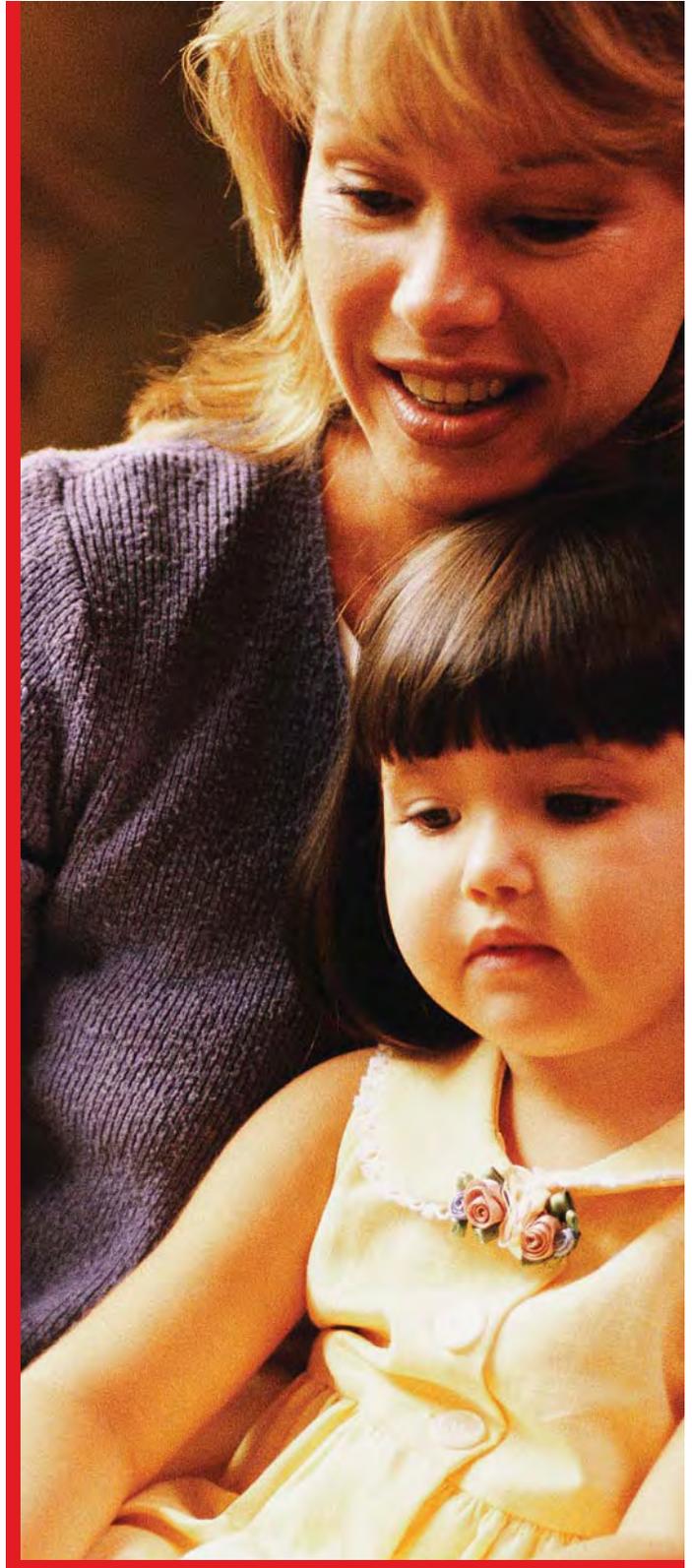
## Annual Report of Licensing Violations

Using standards, CCL strives to protect the basic health and safety of children in out-of-home care. The goal of the Child Care Licensing program is the appropriate and consistent enforcement of minimum standards across operation types and across the state. The consistent enforcement of minimum standards should result in increased compliance from child-care operations and provide stronger protections for children in care.

The regulation of child care facilities and child placing agencies routinely presents two challenges for licensing staff and permit holders alike: consistency in interpretation of minimum standards and consistency in enforcement decisions and actions. CCL analyzes trends in licensing standards violations cited statewide and regionally to get a better idea of the technical assistance needed by providers during the next fiscal year.

## Day Care Violation Trends

The statewide trends on page 30 are derived from analysis of standard violations cited for day care operations during fiscal year 2007. The most cited violations have been categorized into three distinct groups for the purpose of trend analysis: safety violations, record keeping, and caregiver responsibilities. Safety violations represented the majority of violations cited at 53 percent of the total, caregiver responsibility violations accounted for 40 percent of the total, and record keeping violations accounted for 7 percent



## State's Top 10 Standards Deficiencies for Residential Care Operations (FY07)

Standard Rule	Description	Non-Compliances	Category
749.607(1)	Employee general responsibilities: Demonstrate competency, prudent judgment, self-control in presence of children and when performing assigned tasks.	111	Caregiver
748.3301(a)	Physical site: Buildings must be structurally sound, clean, and in good repair. Paints must be lead-free.	78	Safety
748.685(a)(4)	Caregiver responsibility: Providing the level of supervision necessary to ensure each child's safety and well-being.	60	Caregiver
745.615(a)	Required background checks on each person over 14 years or older, who will regularly or frequently be present while children are in care.	55	Caregiver
749.2593(a)(3)	Supervision: The caregiver is responsible for ensuring each child's safety and well being, including auditory and/or visual awareness of the child.	49	Caregiver
749.2815(a)(1)	Supervisory visits: Must have supervisory visits in the foster home at least quarterly.	46	Safety
745.625(a)(4)	Background checks submitted: Every 24 months after first submitted.	43	Safety
749.1003(b)(4)	Children's rights; Adhere to the child's rights to be free of abuse, neglect, and exploitation as defined in Texas Family Code 261.401.	42	Safety
748.3301(i)	Physical Site: Equipment and furniture must be safe for children and must be kept clean and in good repair.	41	Safety
748.507(1)	Employee general responsibilities: Demonstrate competency, prudent judgment, self-control in presence of children and when performing assigned tasks.	39	Caregiver

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of the total. Based on this data the majority of violations cited involve safety and caregiver standards. (Regional trend data is available upon request.)

## Residential Care Violation Trends

The trends on page 32 are derived from analysis of standard violations cited for residential care operations during fiscal year 2007 beginning in January of 2007 when the new minimum standard became effective. The most cited violations have been categorized into two distinct groups for the purpose of trend analysis: safety violations and caregiver responsibilities. Safety violations represented the majority of violations cited at 56 percent of the total and caregiver responsibilities accounted for the remaining 44 percent of the total.

Residential Child Care Licensing (RCCL) is a statewide program that is not divided into regions for the purpose of administering the program. Therefore, a regional analysis of violation trend data was not performed for residential operations.

## Addressing Violation Trends with Technical Assistance

It is important to note that these violations are cited in various types of inspections, meaning some are cited during an unannounced, routine monitoring inspection; some are cited in response to a complaint concerning a specific incident; and others are cited during targeted, follow-up inspections.

Additional emphasis has been placed on providing technical assistance to providers concerning these minimum standards. In addition, the data will be shared with all management staff and field trainers to promote awareness of the need to provide targeted technical assistance to providers in an effort to improve compliance.

Child Care Licensing is also developing a Performance Management division to further review these and other trends in child care operations and make recommendations.

## Training

To continue to enhance the quality of child care regulation, CCL district representatives, investigators, supervisors, directors, and clerical staff each received more than 30 hours of training and professional development on work-related issues. These include child development, using automation support, regulation and inspection of operations, and health and safety. CCL staff also provided more than 100 training events for more than 5,000 child care providers and caregivers. The topics included minimum standards, health and safety, infant and toddler needs, guidance, discipline, staff/child ratios, and child development. The training was provided through conferences, licensing meetings and orientations, and technical assistance to centers. CCL workers provide training and collaborate with local associations to provide training for providers on a regular basis.

## Child Care Facilities in Texas

### Number of homes and percentage:

Registered Child Care Homes	7,214	22.5%
Listed Family Homes (LFH)	3,900	12.2%
CPS-Approved Foster Homes	2,052	6.4%
CPS-Approved Adoptive Homes	597	1.9%
Private Agency Foster Homes	6,789	21.2%
Independent Foster Homes	15	0.1%

### Number of Child Care centers:

Licensed/Certified Facilities	10,855	33.9%
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### Number of 24-hour care:

Residential Facilities	227	0.7%
Child-Placing Agencies	332	1.0%
Maternity Homes	16	0.1%

<b>Totals</b>	<b>31,997</b>	<b>100%</b>
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